

### **REMARKS**

Reconsideration of the application is respectfully requested in view of the above amendments and the following remarks. Claims 1-13, 44 and new claims 52-61 are pending. The remaining claims have been cancelled without prejudice. Claims 52-61 have been added to further identify the invention in claims 1 and 7.

### **Section 112 Rejection**

#### **Claims 1, 7, 14, 26, 44 and 47**

Claims 1, 7, 14, 26, 44 and 47 are rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. Claims 14, 26 and 47 are cancelled without prejudice. It is alleged that the claim limitation “establishing a group call between the first user and the group after the group is validated and the first user receives the group identification” is not supported by the Specification in such a way as to reasonably convey to one skilled in the art that the inventors, at the time the application was filed, had possession of the claimed invention. Applicants have amended claims 1, 7 and 44 to clarify the claimed invention. In particular, Applicants have clarified that the claimed group is the claimed group of second users or mobile units as required. In addition, Applicants have claimed that it is a list of dynamic group call members for the group of second user that is forwarded to the network for validation, that the group identifier is received for the list of dynamic group call members and the dynamic group call is initiated after the list of the dynamic group call members is validated and the group identification is received. Applicants provided arguments as to overcome the rejection in the Response to Final Office Action mailed June 18, 2008 and those arguments are incorporated here. Applicants respectfully submit that amended claims 1, 7 and 44 are fully supported by FIG. 4 and page 8, lines 16-27. More specifically, Applicants obtained the language of the claims from blocks 130-138 paying particular attention to block 134. In view of the foregoing, it is respectfully submitted that the independent claims are fully supported by the Specification. Applicants therefore request that the rejection under Section 112, first paragraph, be withdrawn.

### **Art-Based Rejections**

#### **Claims 1-6, 7-17, 44-46 and 47-51**

Claims 1-6, 7-17, 44-46 and 47-51 are rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. 6,999,783 to Toyryla et al. in view of United States Patent Application Publication No. 2004/0082352 A1 to Keating et al. and further in view of United States Patent No. 6,600,928 to Ahya et al. Applicants have cancelled claims 45-51. Applicants have reviewed the Final Office Action and the cited references and respectfully traverse the rejection. Applicants have previously described the present invention, the claims and the patentable distinctions between them and the cited references of Toyryla, Keating and Ahya references. Those statements are incorporated into this response.

Applicants respectfully submit that there is a difference of opinion as to what Keating discloses as it relates to independent claims 1, 7 and 44. In particular, the Office Action cites paragraphs [0011], [0020], [0024], [0027] and [0029]-[0030] as describing the claimed initiating the dynamic group call between the first user and the group of second users after the list of dynamic group call members is validated and the first user receives the group identification. In the Advisory Action, the description found in paragraph [0027] is outlined in detail. Applicants respectfully submit that paragraph [0027] does not disclose validating a list of dynamic group call members and providing a group identification to the list before the call is initiated. Instead paragraph [0027] suggests that the group is validated after the initiation of the call.

In lines 6-8 of paragraph [0027], Keating suggests that the call has been initiated when the group is informed that the call is beginning by stating, “The DAP 112 then pages each of the mobile station included in the dynamic group to inform the mobile stations that the group call is set to begin.” Then in lines 8-14, Keating suggests that the group is validated after the call has begin by stating, “The DAP 12 then receives an explicit page response for each of the participating mobile stations included in the dynamic group that provides the DAP with specific mobile station information thus verifying membership in the dynamic group as well as geographical location information in a form, such as the mobile station call location.” Listing the order of messages in this way, Applicants respectfully submit that Keating teaches that a call is initiated, i.e. begins, before the group is validated, i.e. verified. Applicant, however, claims that the dynamic call group is validated before initiating a call. Thus, the group is validated and group identification is provided so that the initiation can proceed without having to verify the dynamic group call as disclosed by Keating.

Paragraph [0024] is consistent with paragraph [0027]. In particular, paragraph [0024] states that the group identifier is sent when the call is to begin. This implies that the group identification is sent after the call is initiated instead of before initiation as required by the claims. Paragraph [0024] also does not provide any information regarding validation of the dynamic group call and that validation occurs before the initiation.

Paragraph [0011] very generally discloses that Keating's invention is directed to establishing group calls. Paragraph [0020] describes the system that can be used for Keating's invention. Paragraph [0029] discusses the DAP sending wireless call alerts to mobile stations in the dynamic group. Paragraph [0030] discusses how a mobile station can suspend participating in a group call and rejoin that call. None of these paragraphs provide any details as to when the dynamic group call list is validated and that it is validated before the call is initiating and that the group identification is provided before the call is initiated.

In view of the foregoing, Applicants repeat that Keating does not disclose validating the list dynamic group call members and receiving a group identification for the dynamic call group before the call is initiated as required by claims 1, 7 and 44. It is respectfully submitted that the combination of Toyryla, Keating and Ahya does not disclose, teach or otherwise suggest the steps of the present invention. Applicants therefore respectfully submit that cited combination does not anticipate claims 1, 7, and 44. As claims 2-6 and 8-17 depend upon and include the limitations of claims 1 and 7, respectively, Applicants respectfully submit that the dependent claims are patentable over Toyryla, Keating and Ahya for the same reasons. Applicants request that the rejection under Section 103(a) be withdrawn.

#### **Claims 14-16 and 23-25**

Claims 14-16 and 23-25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Toyryla, Keating and Ahya and further in view of United States Patent No. 6,999,783 to Fister et al. Applicants have cancelled these rejected claims rendering this rejection moot. Applicants therefore request that this rejection under Section 103(a) be withdrawn.

#### **Claims 21-22**

Claims 21-22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Toyryla and Fister and further in view of United States Patent Application Publication No.

2004/0198376 to Chandhok et al. Applicants have cancelled these rejected claims rendering this rejection moot. Applicants therefore request that this rejection under Section 103(a) be withdrawn.

**Claim 26**

Claims 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Toyryla in view of United States Patent No. 6,600,928 to Ahya et al. and further in view of Chandhok et al. Applicants have cancelled claim 26 rendering this rejection moot. Applicants therefore request that this rejection under Section 103(a) be withdrawn.

**Claims 33-38 and 41-43**

Claims 33-35 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Toyryla and Ahya and further in view of Chandhok and claims 36-38 and 41-43 were rejected under 35 U.S.C. 103(a) as being unpatentable over Toyryla, Ahya and Chandhok and further in view of United States Patent No. 5,513,381 to Sasuta. Applicants have cancelled these rejected claims rendering this rejection moot. Applicants therefore request that this rejection under Section 103(a) be withdrawn.

**Conclusion**

As Applicants have overcome all substantive rejections and objections given by the Examiner and have complied with all requests properly presented by the Examiner, Applicants contend that this Amendment, with the above discussion, overcomes the Examiner's objections to and rejections of the pending claims. Therefore, Applicants respectfully solicit allowance of the application. If the Examiner is of the opinion that any issues regarding the status of the claims remain after this response, the Examiner is invited to contact the undersigned representative to expedite resolution of the matter.

Please charge any fees associated herewith, including extension of time fees, to **50-2117**.

Respectfully submitted,  
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